

House Study Bill 622 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to department of public health programs and
2 activities, and including effective and applicability date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

BURIAL TRANSIT PERMIT

Section 1. Section 144.32, Code 2011, is amended to read as follows:

144.32 Burial transit permit.

1. If a person other than a funeral director, medical examiner, or emergency medical service assumes custody of a dead body or fetus, the person shall secure a burial transit permit. To be valid, the burial transit permit ~~must~~ shall be issued by the county medical examiner, a funeral director, ~~or the county registrar of the county where the certificate of death or fetal death was filed~~ occurred, or the state registrar. The permit shall be issued only upon presentation of a completed certificate of death or fetal death. The permit shall be obtained prior to the removal of the body or fetus from the place of death and the permit shall accompany the body or fetus to the place of final disposition.

2. To transfer a dead body or fetus outside of this state, the funeral director who first assumes custody of the dead body or fetus shall obtain a burial transit permit prior to the transfer. The permit shall accompany the dead body or fetus to the place of final disposition.

3. A dead body or fetus brought into this state for final disposition shall be accompanied by a burial transit permit under the law of the state in which the death occurred.

4. A burial transit permit shall not be issued to a person other than a funeral director when the cause of death is or is suspected to be a communicable disease as defined by rule of the department.

DIVISION II

NURSING HOME ADMINISTRATORS

Sec. 2. Section 155.1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For the purposes of this chapter, ~~and as used herein:~~

Sec. 3. Section 155.3, subsections 2 and 3, Code 2011, are

1 amended to read as follows:

2 2. The applicant has ~~satisfactorily completed a course of~~
3 ~~instruction and training prescribed by the board, which course~~
4 ~~shall be so designed as to content and so administered as to~~
5 ~~present sufficient knowledge of the needs properly to be served~~
6 ~~by nursing homes; knowledge of the laws governing the operation~~
7 ~~of nursing homes and the protection of the interests of~~
8 ~~patients therein; and knowledge of the elements of good nursing~~
9 ~~home administration; or has presented evidence satisfactory to~~
10 the board of sufficient education, training, or experience in
11 the ~~foregoing fields~~ to administer, supervise, and manage a
12 nursing home.

13 3. The applicant has passed an examination administered
14 prescribed by the board and ~~designed to test for competence in~~
15 ~~the subject matter referred to in subsection 2 of this section~~
16 pursuant to section 147.34.

17 Sec. 4. Section 155.4, Code 2011, is amended to read as
18 follows:

19 **155.4 Licensing function.**

20 The board shall license nursing home administrators in
21 accordance with this chapter, chapter 147, and rules issued,
22 ~~and from time to time revised, by it~~ by the board. A nursing
23 home administrator's license shall not be transferable and,
24 if not inactive, shall be valid until revoked pursuant to
25 section 147.55 or voluntarily surrendered for cancellation
26 ~~or suspended or revoked for violation of this chapter or any~~
27 ~~other laws or regulations relating to the proper administration~~
28 ~~and management of a nursing home. Any denial of issuance or~~
29 ~~renewal, suspension, or revocation under any section of this~~
30 ~~chapter shall be subject to judicial review in accordance with~~
31 ~~the terms of the Iowa administrative procedure Act, chapter~~
32 ~~17A.~~

33 Sec. 5. Section 155.5, Code 2011, is amended to read as
34 follows:

35 **155.5 License fees.**

1 Each person licensed as a nursing home administrator shall
2 be required to pay a license fee in an amount to be fixed by
3 the board. The license shall expire in multiyear intervals
4 determined by the board and be renewable ~~and~~ upon payment of
5 ~~the license~~ a renewal fee. A person who fails to renew a
6 license by the expiration date shall be allowed to do so within
7 thirty days following its expiration, but the board may assess
8 a reasonable penalty.

9 Sec. 6. Section 155.9, Code 2011, is amended to read as
10 follows:

11 **155.9 Duties of the board.**

12 ~~The~~ In addition to the duties and responsibilities provided
13 in chapters 147 and 272C, the board shall have the duty and
14 responsibility to:

15 ~~1. Develop, impose, and enforce standards which must be~~
16 ~~met by individuals in order to receive a license as a nursing~~
17 ~~home administrator, which standards shall be designed to~~
18 ~~insure that nursing home administrators will be individuals~~
19 ~~who, by training or experience in the field of institutional~~
20 ~~administration, are qualified to serve as nursing home~~
21 ~~administrators.~~

22 ~~2. Develop and apply appropriate techniques, including~~
23 ~~examination and investigations, for determining whether an~~
24 ~~individual meets such standards. The board may administer~~
25 ~~as many examinations per year as are necessary, but shall~~
26 ~~administer at least one examination per year. Any written~~
27 ~~examination may be given by representatives of the board.~~
28 ~~Applicants who fail the examination once shall be allowed to~~
29 ~~take the examination at the next scheduled time. Thereafter,~~
30 ~~the applicant shall be allowed to take the examination at the~~
31 ~~discretion of the board. An applicant who has failed the~~
32 ~~examination may request in writing information from the board~~
33 ~~concerning the applicant's examination grade and subject areas~~
34 ~~or questions which the applicant failed to answer correctly,~~
35 ~~except that if the board administers a uniform, standardized~~

1 ~~examination, the board shall only be required to provide the~~
2 ~~examination grade and such other information concerning the~~
3 ~~applicant's examination results which are available to the~~
4 ~~board.~~

5 ~~3. Issue licenses to individuals who, after application~~
6 ~~of such techniques, are found to have met such standards; and~~
7 ~~for cause and after due notice and hearing, revoke or suspend~~
8 ~~licenses previously issued by such board in any case where~~
9 ~~the individual holding such license is found to have failed~~
10 ~~substantially to conform to the requirements of such standards.~~

11 ~~The board may also accept the voluntary surrender of such~~
12 ~~license without necessity of a hearing. In adopt rules for~~
13 ~~granting a provisional license to an administrator appointed~~
14 ~~on a temporary basis by a nursing home's owner or owners in the~~
15 ~~event of the inability of the regular administrator of a the~~
16 ~~nursing home is unable to perform the administrator's duties~~
17 ~~or through death or other cause the nursing home is without~~
18 ~~a licensed administrator, a provisional administrator may be~~
19 ~~appointed on a temporary basis by the nursing home owner or~~
20 ~~owners to perform such duties for a period not to exceed one~~
21 ~~year because of death or other cause. Such provisional license~~
22 ~~shall allow the provisional licensee to perform the duties of~~
23 ~~a nursing home administrator. An individual shall not hold a~~
24 ~~provisional license for more than twelve total combined months,~~
25 ~~and the board may revoke or otherwise discipline a provisional~~
26 ~~licensee for cause after due notice and a hearing on a charge~~
27 ~~or complaint filed with the board.~~

28 ~~4. Establish and carry out procedures designed to insure~~
29 ~~that individuals licensed as nursing home administrators will,~~
30 ~~during any period that they serve as such, comply with the~~
31 ~~requirements of such standards.~~

32 ~~5. Receive, investigate, and take appropriate action with~~
33 ~~respect to any charge or complaint filed with the board to~~
34 ~~the effect that any individual licensed as a nursing home~~
35 ~~administrator has failed to comply with the requirements~~

~~1 of such standards. Such appropriate action may include
2 revocation of a license, if necessary, or placing the licensee
3 on probation for a period not exceeding six months, and shall
4 be taken only for cause after due notice and a hearing on the
5 charge or complaint.~~

~~6 6. Conduct a continuing study and investigation of nursing
7 homes, and administrators of nursing homes, in this state
8 with a view to the improvement of the standards imposed for
9 the licensing of such administrators and of procedures and
10 methods for the enforcement of such standards with respect to
11 administrators of nursing homes who have been licensed as such.~~

~~12 7. Conduct, or cause to be conducted, one or more courses of
13 instruction and training sufficient to meet the requirements
14 of this chapter, and make provisions for such courses and
15 their accessibility to residents of this state unless it finds
16 that there are, and approves, a sufficient number of courses,
17 which courses are conducted by others within this state. In
18 lieu thereof the board may approve courses conducted within
19 and without this state as sufficient to meet the education and
20 training requirements of this chapter.~~

21 Sec. 7. Section 155.10, Code 2011, is amended by striking
22 the section and inserting in lieu thereof the following:

23 **155.10 Continuing education.**

24 Each person licensed as a nursing home administrator shall
25 be required to complete continuing education as a condition of
26 license renewal. Such continuing education requirements shall
27 be determined by the board.

28 Sec. 8. Section 155.14, Code 2011, is amended to read as
29 follows:

30 **155.14 Applications.**

31 Applications for licensure and for license renewal shall be
32 on forms in the format prescribed and furnished by the board
33 and shall not contain a recent photograph of the applicant. An
34 applicant shall not be ineligible for licensure because of age,
35 citizenship, sex, race, religion, marital status or national

1 ~~origin although the application may require citizenship~~
2 ~~information. The board may consider the past felony record of~~
3 ~~an applicant only if the felony conviction relates directly~~
4 ~~to the practice of nursing home administration. Character~~
5 ~~references may be required, but shall not be obtained from~~
6 ~~licensed nursing home administrators.~~

7 Sec. 9. NEW SECTION. **155.19 Voluntary surrender.**

8 The board may accept the voluntary surrender of a license if
9 accompanied by a written statement of intention. The voluntary
10 surrender, when accepted, shall have the same force and effect
11 as an order of revocation.

12 Sec. 10. REPEAL. Sections 155.2, 155.15, and 155.16, Code
13 2011, are repealed.

14 DIVISION III

15 HEARING AID DISPENSERS

16 Sec. 11. Section 154A.7, Code 2011, is amended to read as
17 follows:

18 **154A.7 ~~Meetings and expenses~~ Board meetings.**

19 ~~The members of the board shall receive actual expenses~~
20 ~~incurred in the discharge of their duties within the limits of~~
21 ~~funds appropriated to the board. Each member of the board may~~
22 ~~also be eligible to receive compensation as provided in section~~
23 ~~7E.6. The board shall meet at least one time per year at the~~
24 ~~seat of government and may hold additional meetings as deemed~~
25 ~~necessary. Additional meetings shall be held at the call of~~
26 ~~the chairperson or a majority of the members of the board.~~
27 ~~At any meeting of the board, a majority of the members shall~~
28 ~~constitute a quorum.~~

29 Sec. 12. Section 154A.10, Code 2011, is amended to read as
30 follows:

31 **154A.10 Issuance of licenses.**

32 ~~After January 1, 1975, an~~ An applicant may obtain a license,
33 if the applicant:

34 1. Successfully passes the qualifying examination
35 prescribed in section 154A.12.

1 2. Is free of contagious or infectious disease.

2 3. Pays the necessary fees set by the board ~~pursuant to~~
3 ~~section 154A.17.~~

4 Sec. 13. Section 154A.12, subsection 1, paragraph a, Code
5 2011, is amended to read as follows:

6 a. ~~Written tests~~ Evidence of knowledge in areas such as
7 physics of sound, anatomy and physiology of hearing, and the
8 function of hearing aids, as these areas pertain to the fitting
9 or selection and sale of hearing aids.

10 Sec. 14. Section 154A.13, Code 2011, is amended to read as
11 follows:

12 **154A.13 Temporary permit.**

13 A person who has not been ~~employed~~ licensed as a hearing
14 aid dispenser ~~prior to January 1, 1975,~~ may obtain a temporary
15 permit from the department upon completion of the application
16 accompanied by the written verification of employment from a
17 licensed hearing aid dispenser. The department shall issue a
18 temporary permit for one year which shall not be renewed or
19 reissued. The fee for issuance of the temporary permit shall
20 be set by the board ~~pursuant to section 154A.17~~ in accordance
21 with the provisions for establishment of fees in section
22 147.80. The temporary permit entitles an applicant to engage
23 in the fitting or selection and sale of hearing aids under the
24 supervision of a person holding a valid license.

25 Sec. 15. Section 154A.23, Code 2011, is amended to read as
26 follows:

27 **154A.23 ~~Complaints~~ Disciplinary orders — attorney general.**

28 ~~Any person wishing to make a complaint against a licensee~~
29 ~~or holder of a temporary permit shall file a written statement~~
30 ~~with the board within twelve months from the date of the action~~
31 ~~upon which the complaint is based. If the board determines~~
32 ~~that the complaint alleges facts which, if proven, would be~~
33 ~~cause for the suspension or revocation of the license of the~~
34 ~~licensee or the permit of the holder of a temporary permit,~~
35 ~~it shall make an order fixing a time and place for a hearing~~

1 ~~and requiring the licensee or holder of a temporary permit~~
2 ~~complained against to appear and defend. The order shall~~
3 ~~contain a copy of the complaint, and the order and copy of~~
4 ~~the complaint shall be served upon the licensee or holder~~
5 ~~of a temporary permit at least twenty days before the date~~
6 ~~set for hearing, either personally or as provided in section~~
7 ~~154A.21. Continuance or adjournment of a hearing date may be~~
8 ~~made for good cause. At the hearing the licensee or holder~~
9 ~~of a temporary permit may be represented by counsel. The~~
10 ~~licensee or holder of a temporary permit and the board may take~~
11 ~~depositions in advance of hearing and after service of the~~
12 ~~complaint, and either may compel the attendance of witnesses~~
13 ~~by subpoenas issued by the board. The board shall issue such~~
14 ~~subpoenas at the request of a licensee or holder of a temporary~~
15 ~~permit. Either party taking depositions shall give at least~~
16 ~~five days' written notice to the other party of the time and~~
17 ~~place of such depositions, and the other party may attend, with~~
18 ~~counsel, if desired, and cross-examine.~~

19 ~~If the board determines from the evidence and proofs~~
20 ~~submitted that the licensee or holder of a temporary permit is~~
21 ~~guilty of violating any of the provisions of this chapter, or~~
22 ~~any of the regulations promulgated by the board pursuant to~~
23 ~~this chapter, the department shall, within thirty days after~~
24 ~~the hearing, issue an order refusing to issue or renew, or~~
25 ~~revoking or suspending, as the case may be, the hearing aid~~
26 ~~dispenser's license or temporary permit. The order shall~~
27 ~~include the findings of fact and the conclusions of law made by~~
28 ~~the board and counsel. A copy of the order shall be sent to the~~
29 ~~licensee or holder of a temporary permit by registered mail.~~
30 ~~The records of the department shall reflect the action taken~~
31 ~~by the board on the charges, and the department shall preserve~~
32 ~~a record of the proceedings in a manner similar to that used by~~
33 ~~courts of record in this state.~~

34 ~~The final order of the board in the proceedings may be~~
35 ~~appealed to the district court of the county where the licensee~~

~~1 or holder of a temporary permit resides, or in which the
2 licensed hearing aid dispenser's principal place of business
3 is located.~~

~~4 The department shall send a copy of the complaint and
5 a copy of the board's final order to the attorney general
6 for purposes of information in the event the licensee or
7 holder of a temporary permit pursues a court appeal and for
8 consideration as to whether the violations are flagrant enough
9 to justify prosecution. The board shall forward a copy of
10 all final disciplinary orders, with associated complaints,
11 to the attorney general for consideration for prosecution or
12 enforcement when warranted. The attorney general and all
13 county attorneys shall assist the board and the department in
14 the enforcement of the provisions of this chapter.~~

15 Sec. 16. REPEAL. Sections 154A.2, 154A.3, 154A.4, 154A.5,
16 154A.6, 154A.8, 154A.9, 154A.11, 154A.14, 154A.15, 154A.17, and
17 154A.18, Code 2011, are repealed.

18 DIVISION IV

19 LOCAL BOARDS OF HEALTH

20 Sec. 17. Section 135.1, subsection 6, Code 2011, is amended
21 by striking the subsection.

22 Sec. 18. Section 137.112, Code 2011, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 4. This section does not apply to any
25 district board of health or district health department in
26 existence prior to July 1, 2010.

27 Sec. 19. Section 331.502, subsection 8, Code 2011, is
28 amended by striking the subsection.

29 Sec. 20. REPEAL. Section 135.32, Code 2011, is repealed.

30 Sec. 21. EFFECTIVE UPON ENACTMENT. The following provision
31 or provisions of this division of this Act, being deemed of
32 immediate importance, take effect upon enactment:

33 1. The section of this Act amending section 137.112.

34 Sec. 22. RETROACTIVE APPLICABILITY. The following
35 provision or provisions of this division of this Act apply

1 retroactively to July 1, 2010:

2 1. The section of this Act amending section 137.112.

3

DIVISION V

4

FEDERAL GRANTS REPORTING

5 Sec. 23. Section 135.11, Code Supplement 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 31. Report to the chairpersons and ranking
8 members of the joint appropriations subcommittee on health
9 and human services, the legislative services agency, the
10 legislative caucus staffs, and the department of management
11 within sixty calendar days of applying for or renewing a
12 federal grant with a value over one thousand dollars. The
13 report shall list the federal funding source and address the
14 potential need for the commitment of state funding in order to
15 match or continue the funding provided by the federal grant in
16 the present or future.

17

DIVISION VI

18

HIV CONFIDENTIALITY

19 Sec. 24. Section 141A.9, Code Supplement 2011, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 8. Medical information secured pursuant
22 to subsection 1 may be shared with other state or federal
23 agencies, with employees or agents of the department, or with
24 local units of government that have a need for the information
25 in the performance of their duties related to HIV prevention,
26 disease surveillance, or care of persons with HIV, only as
27 necessary to administer the program for which the information
28 is collected or to administer a program within the other
29 agency. Confidential information transferred to other persons
30 or entities under this subsection shall continue to maintain
31 its confidential status and shall not be rereleased by the
32 receiving person or entity.

33

DIVISION VII

34

REPEAL OF REPORTING REQUIREMENTS

35 Sec. 25. REPEAL. Section 135.165, Code 2011, is repealed.

1

EXPLANATION

2 This bill relates to programs and activities under the
3 purview of the department of public health.

4 Division I relates to the list of people who may issue
5 a burial transit permit. The bill provides that the state
6 registrar of vital statistics may issue a burial transit
7 permit. The bill adds that a burial transit permit may not be
8 issued until a completed certificate of death or fetal death is
9 presented. The bill also states the county registrar of the
10 county where the death or fetal death occurred, rather than
11 where the certificate of death was filed, may issue a burial
12 transit permit.

13 Division II relates to nursing home administrators. The
14 bill eliminates certain provisions in the Code chapter that are
15 duplicative or inconsistent with the provisions in Code chapter
16 147, relating to health-related professions generally. The
17 bill eliminates the requirement that an applicant for a nursing
18 home administrator license satisfactorily complete a course of
19 instruction and training that was designed and administered
20 to present sufficient knowledge of the needs properly to be
21 served by nursing homes, knowledge of the laws governing the
22 operation of nursing homes and the protection of the interests
23 of patients, and knowledge of the elements of good nursing home
24 administration. The bill amends Code section 155.3 to state
25 that the board of nursing home administrators prescribes the
26 examination pursuant to Code section 147.34, which governs
27 the examinations required for licensure for health care
28 professions, rather than administering the exam that tests
29 for competence in the needs properly to be served by nursing
30 homes, laws governing the operation of nursing homes and the
31 protection of the interests of patients, and the elements of
32 good nursing home administration.

33 The bill adds that the board shall license nursing home
34 administrators in accordance with the rules as well as Code
35 chapters 147 and 155. The bill makes technical changes

1 regarding the terminology of a licensee's voluntary or
2 involuntary loss of license and refers to Code section 147.55
3 for revocation of a nursing home administrator's license while
4 eliminating language in Code section 155.4 subjecting any
5 denial of issuance or renewal, suspension, or revocation under
6 Code chapter 155 to the judicial review procedure under Code
7 chapter 17A.

8 The bill makes technical changes to the licensing fees
9 provision. The bill allows the board to determine the
10 multiyear interval in which a license shall expire and allows
11 for the license to be renewed upon payment of a renewal fee
12 rather than a license fee.

13 The bill provides that the board has the general duties
14 and responsibilities for health-related boards listed in Code
15 chapters 147 and 272C and strikes the board's specific duties
16 relating to standards to be met by individuals in order to
17 receive licenses as nursing home administrators; techniques for
18 determining whether an individual meets the required standards;
19 the issuance of and disciplinary actions relating to licenses;
20 and complaints against nursing home administrators. The bill
21 removes language allowing the board to conduct a continuing
22 study and investigation of nursing homes and administrators in
23 the state to improve the standards. The bill strikes language
24 allowing the board to conduct or cause to be conducted courses
25 of instruction and training sufficient to meet the requirements
26 of Code chapter 155.

27 The bill retains language in Code section 155.9 that allows
28 the board to establish rules to grant a provisional license to
29 an administrator, but makes technical changes. The bill allows
30 the board to grant a provisional license to an administrator
31 appointed on a temporary basis by a nursing home's owner
32 if the regular administrator is unable to perform the
33 administrator's duties or the nursing home is otherwise without
34 an administrator for some other reason. The bill strikes a
35 provision which states that an administrator appointed on a

1 temporary basis could not perform the duties for a period which
2 exceeds one year. The bill provides that a provisional license
3 can be held for no more than 12 combined months and the board
4 may revoke or otherwise discipline a person with a provisional
5 license for cause after due notice and a hearing.

6 The bill strikes the language in Code section 155.10
7 regarding renewal of licenses. Under the bill, Code chapter
8 272C would control the renewal of licenses. The bill provides
9 that a licensed nursing home administrator must complete
10 continuing education as a condition precedent for a license
11 renewal. The bill states the board will determine the
12 continuing education requirements.

13 The bill provides that applications for license renewal
14 shall be prescribed by the board. Under the amended language
15 of Code section 155.14, the bill states the board is not
16 required to furnish forms for licensure or license renewal.
17 The bill strikes the language regarding the characteristics the
18 board may consider when receiving an applicant's application.
19 Under the bill the characteristics to consider for eligibility
20 would be controlled by Code section 147.3.

21 The bill also adds a section to Code chapter 155 regarding a
22 licensee's voluntary surrender of a license. The bill states
23 the board may accept a voluntary surrender if it is accompanied
24 by a written statement of intention. The voluntary surrender
25 will have the same force and effect as revocation after the
26 surrender is accepted.

27 The bill repeals the language regarding the composition
28 of the board of nursing home administrators. The board's
29 composition is governed by Code sections 147.12 through 147.20
30 and 147.82. The bill repeals the language in section 155.15
31 regarding the fees for examination, licensure, and renewal of
32 licensure. The language in Code section 147.80 would control.
33 The bill also repeals language in Code section 155.16 regarding
34 the public members of the board, making the language in Code
35 section 147.21 applicable.

1 Division III relates to hearing aid dispensers. The bill
2 eliminates certain provisions within Code chapter 154A as Code
3 chapter 147 regarding health-related professions now governs
4 the board of hearing aid dispensers in its provisions.

5 The bill eliminates language in Code section 154A.7
6 regarding board members' expenses for discharging duties and
7 members' eligibility to receive compensation provided in Code
8 section 7E.6. The bill also eliminates language in Code
9 section 154A.7 regarding a quorum. The language on board
10 members' expenses and compensation is provided in Code section
11 147.24 and the language on a board quorum is provided by Code
12 section 147.14(2).

13 The bill eliminates language regarding the date on which an
14 applicant may obtain a license and deletes the reference to the
15 fee provision in Code section 154A.17.

16 The bill amends Code section 154A.12 regarding the scope of
17 examination to require evidence, rather than a written test, of
18 the applicant's knowledge in areas such as physics of sound,
19 anatomy and physiology of hearing, and function of hearing
20 aids.

21 The bill amends Code section 154A.13 regarding temporary
22 permits and states that only an individual who has not been
23 licensed as a hearing aid dispenser, rather than a person who
24 has not been employed as a hearing aid dispenser, may obtain
25 a temporary permit. The bill also states that a fee for a
26 temporary permit will be set by the board pursuant to Code
27 section 147.80 rather than Code section 154A.17, which is
28 repealed under the bill.

29 The bill removes language from Code chapter 154A regarding
30 the process for filing a complaint against a licensee or holder
31 of a temporary permit, the hearing process, the required
32 elements of a board's order, the notice of the order, and the
33 right to appeal the board's final order. Under the bill,
34 complaints would be governed by Code chapters 17A, 147, and
35 272C. The bill amends Code section 154A.23 to allow the board

1 to forward a copy of final disciplinary orders along with
2 the complaint to the attorney general for consideration for
3 prosecution or enforcement when warranted.

4 The bill repeals Code section 154A.2 regarding the
5 establishment of the board; Code section 154A.3 regarding
6 terms of board members; Code section 154A.4 regarding duties
7 of the board; Code section 154A.5 regarding public members
8 of the board; Code section 154A.6, regarding disclosure of
9 confidential information (the governing provision in Code
10 section 147.21(2) does not contain a provision which prohibits
11 the disclosure of an applicant's criminal history); Code
12 section 154A.8 regarding duties of the board; Code section
13 154A.9 regarding applications for licensure; Code section
14 154A.11 regarding examinations (however, the governing
15 provision in Code section 147.34 does not require examinations
16 to occur at least once a year and does not require the identity
17 of the applicant to be concealed until after the grading
18 of the exam); Code section 154A.14 concerning reciprocity;
19 Code section 154A.15 concerning license renewal (however,
20 Code section 147.10 does not require the department to mail
21 notice of the expiration date of a license at least a month
22 in advance); and Code section 154A.17 regarding fees. Code
23 section 154A.18, regarding the display of the license is
24 also repealed, however, Code sections 147.6 and 147.7 do not
25 prohibit a person from engaging in business as a hearing aid
26 dispenser or displaying a sign or advertising to be a hearing
27 aid dispenser without a valid license nor do the Code sections
28 require the license to be conspicuously posted in the person's
29 primary location of practice. The Code sections instead state
30 that a license is presumptive evidence of the right to practice
31 and a board may require every person licensed by the board to
32 publicly display the license and evidence of current renewal.

33 Division IV relates to local boards of health. The bill
34 strikes the definition of "sanitation officer". The bill
35 states that the district public health fund budget provisions

1 do not apply to a district board of health or district health
2 department in existence prior to July 1, 2010. The bill
3 repeals the department's duty to publish and distribute
4 its rules to the counties. The bill provides an immediate
5 effective date and retroactive date for the application of
6 the provisions of the health fund budget only to the district
7 boards of health or district health departments in existence
8 prior to July 1, 2010.

9 Division V relates to reporting on federal grants. The
10 bill requires the department of public health to report to
11 chairpersons and ranking members of the joint appropriations
12 subcommittee on health and human services, the legislative
13 services agency, the legislative caucus staffs, and the
14 department of management within 60 days of applying for or
15 renewing a federal grant valued at over \$1,000. The report
16 must list the federal funding source and address the need
17 for the commitment of state funding to match or continue the
18 funding provided by the federal grant.

19 Division VI relates to HIV confidentiality. The bill adds a
20 new provision allowing medical information secured pursuant to
21 Code section 141A.9 to be shared with other state or federal
22 agencies, employees or agents of the department, or with local
23 units of government. The information may be shared when
24 the persons or entities have a need for the information in
25 the performance of their duties related to HIV prevention,
26 disease surveillance, or care of persons with HIV and only as
27 necessary to administer the program for which the information
28 is collected or to administer a program within the other
29 agency. The confidential information transferred maintains its
30 confidential status and the receiving entity may not rerelease
31 the information.

32 Division VII relates to reporting requirements for hospitals
33 and nursing facilities. The bill repeals Code section
34 135.165, which requires hospitals and nursing facilities that
35 are recognized by the Internal Revenue Code as a nonprofit

H.F. _____

1 organization or entity to annually submit a copy of the
2 internal revenue service form 990 to the department of public
3 health and the legislative services agency.